

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JUNE 18, 2004

The Hamilton County Board of Commissioners met with the Hamilton County Judges on Friday, June 18, 2004 in the Jury Orientation Room in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. Vice President Altman called the meeting to order and declared a quorum present of Commissioner Christine Altman and Commissioner Steven A. Holt. Commissioner Steven C. Dillinger was absent.

**Space Needs:**

Altman stated we have pressing space needs in the judicial center, the historic courthouse is filled. We have no where to go but the basement, if we do not encroach on the 2nd and 3rd floors. The cost of going to the basement is extraordinary and is not a wise fix given the fact that the probation department will probably expand there. It is difficult for the commissioners to look at the taxpayers and say we have under utilized space on the 2nd and 3rd floors that we can not utilize on a temporary basis until we get a building plan put together. The immediate needs are the prosecutor, whom has requested to expand into the planning department which leaves no place for the planning department. We would like to keep them within the judicial center because mainly people that go to the planning department utilize the services of the surveyor's office. The other possible location was the highway department, we looked at available space there and it will be extraordinary expensive. We also have space needs in respect to human resources due to the new federal rules regarding HIPPA. It has become extremely scary with respect to payroll records and our needs to secure those records have come to light. Our thought is for everyone's benefit it would be best to pull all county payroll records together and make sure they are confidential with the people who need to access those records. Altman stated we are looking at pulling all of Sheena Randall's materials, along with Sheena, and try to house Jeff Rushforth, with his worker's compensation records, in the same location because they are all confidential records. It seems to be a good match, given that they access the same records. Altman stated we are looking at the health records, HIPPA, personnel files - not payroll files. Ms. Mills stated the files are split, some confidential files will stay with the human resources director and the files needed for payroll will stay in the Auditor's office in the historic courthouse. Altman stated there is also an issue of security in regards to human resources. The auditor has raised the security issue and it is a valid issue. Altman stated we are trying to figure out the area on the 2nd and 3rd floors that is currently under utilized or not utilized at all to make way for at least a transition for some of these space needs. Altman stated she has asked Mike Reuter to put together where we are for bonds on this building and other county projects so at the same time we can move forward with coming to a consensus with council on building on to the judicial center. Altman stated Larry Dawson and the commissioners have looked at what we thought were under utilized spaces. Mr. Dawson presented a written summary, dated May 24, 2004, of possible office space relocations. Mr. Dawson stated this is all driven by the prosecutor's need for additional space. The right space for the prosecutor's expansion is to expand into the adjacent area to the prosecutor's office, which is where the planning department is currently located. In going through the needs of the current building, planning will need a temporary home in the judicial center of approximately 1,500 square feet. There is space available on the northwest corner of the 3rd floor of the judicial center. Human Resources and Safety Risk Management could occupy offices on the north wall in the law library, a reception area and secured file storage room. The judges have indicated they would like to have the corner room as a deposition room. Judge Hughes stated that room is used for use by court staff for conferences, mediation and occasional depositions. Mr. Dawson stated we had not originally intended to use that room, but human resources has requested more secure space. This is a temporary situation. Judge Sturdevant asked what is temporary? Mr. Dawson stated until we have more space, until we can put it in the long-term plan. The five year plus plan would be that all of that space would revert back to the courts. Altman stated we are talking about several years. The plan was to look at available space that we perceive was available and come up with some ideas, then meet with the Judges to find out from your standpoint if this plan makes any sense or if you had any other ideas. Right now we have to encroach on the space, there is nothing else to do other than rent space outside the building, which is ludicrous given the space we do have available. Mr. Dawson stated there was additional space in the basement located next to the probation department, but we would like to protect that space for the expansion of the probation department, which will eventually happen. The ISS Department would like to redirect traffic in to their office. They currently have an east entryway which they would like to relocate to their "back door", which is a shared lobby with a court. There is currently a door there, they would like a wall for a window and a reception area. Altman stated until we knew Superior 3 needed to utilize that space, it was an ideal situation for ISSD to share an entry with Human Resources. Long term the obvious use of the this building is all judicial and other department out into the other "tower". We are looking in the future at least five years. We don't have the money to spend for a more permanent solution.

(Tape 1, #538) Judge Sturdevant asked where exactly in the library are you talking about? Altman stated the first plan was the two consulting rooms but human resources would like to have all three of the closed offices on the north wall. Altman stated we also explored moving the law library, but we need to have a library for the public, which is her personal opinion which she does not know if it is shared by the other two commissioners. Judge Sturdevant stated the northwest corner of the third floor is Judge Nation's office. This is the space on the west wall on the north side of the building. Mr. Dawson stated there is also a small office on the right that is located in that area that would help with the space needs. Judge Hughes asked if you have thought where you would re-locate the Guardian Ad-Litem? Altman asked that is why we are asking what true needs the courts have for additional hearing rooms, should we build out another hearing room? Judge Sturdevant stated Judge Nation can give you the best answer on how to use that room. There is a similar room across the hall that is used all day Wednesdays, Fridays and is used between times. Judge Hughes stated we have, in the last legislative session the approval of a new court, which did not get through the entire process. When that court is approved we have a problem because all of our courtrooms are currently used by full-time judicial officers. If a new court is created we will have a huge problem. The room being used by Judge Pylitt will be available to turn in to a hearing room, but then we have Judge Pylitt's usage of that room with no place to go. The thought was to use the room in the northwest corner would be appropriate to renovate for that purpose. Altman asked if the courts utilized a centralized software to schedule hearing rooms and locations? Ms. Polly Pearce stated no, we have limited resources. They are on computer, software driven and maintained by Court Administration and ISSD. As far as rotating judges in courtrooms and hearing officers, we do not have that. Altman stated there is no question that we need permanent rooms, but when we are talking about the Magistrate, the Wednesday hearings, would we be better served from a tax rate basis to use that kind of software so if your room is not being used it can be used as needed and scheduled for an efficient use of space? Judge Hughes stated as the only person here who shares a judicial officer full-time and a courtroom with any other entity, it does not work. He did it for four years in the other building, he shared it with the council and commissioners and it did not work. It is not the best potential solution. Judge Hughes stated we can not treat full-time judicial officers as they can go from here to there. People need to know where to go, we can't direct people in this building because the one information center does not have the information to do it. It is not fair to taxpayers, it is not fair to judicial personnel to not know where they will be seated, how they are going to set up their courtroom, where their computer will be up and running at any point in time. We already cooperate, we move courtrooms around all the time to make best use of space. In general the

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courtrooms are used pretty regularly, more regularly than the council room. Altman asked with the space that is there, what would be your plan, knowing your needs? Judge Hughes stated the judges will be happy to come up with a response to your plan, but he does not know if it is fair to ask us in 20 minutes to come up with a plan when we did not know what your needs are until today. We have always cooperated, we will cooperate, we will find a way to do it. Please understand we may not want to discuss hearing rooms and access to them to moving people around because it does not work very well. Judge Sturdevant asked how tied are you to having the law library located where it is right now, if those same materials could be used in the public library? Judge Hughes asked how opposed would you be to moving out the room where the books are, moving the books in to one of the secured areas so we can maintain the space needs we need for that room and still have public access to deposition rooms, conference rooms which are used for mediation space and put the other people where the books are? Judge Hughes stated the books, which are being updated, could be relocated in the law clerk area. Altman asked if they would be available to the public? Judge Hughes stated yes. Holt suggested they might work around the walls in the space where Will Greenway is located. You would not be able to access it while a hearing is going on. Judge Hughes stated we are only updated the center books. Of the 10 shelves, maybe 3 units of the shelves are being updated, which could be relocated in other parts of the building. Most legal research is now done by computer. Judge Sturdevant asked whose proposal is this? Altman stated the commissioners. Holt stated Altman has not had his agreement on any of these suggestions. Holt stated he agrees with Step 2 which is the prosecutor needs to expand on the first floor, beyond that there are a number of options. Holt stated he was looking forward to this meeting to hear the reaction to the law library space being utilized. Your comments are intriguing about getting the library into a place that does not have a security issue at all and is open seven days a week. Judge Sturdevant stated the library has nothing to use if we continue to maintain those books and we are not paying anything extra. Judge Campbell stated in most counties the taxpayers do not pay to maintain the local law libraries, it is the local bar associations that maintain it. Judge Sturdevant asked if we could move the books out to another location, if we moved the books out is there enough space to meet both needs? Judge Hughes stated one of our concerns is that we are getting mandates to begin mediation in domestic relations cases and we are also receiving money to run domestic relations mediations for people who can not afford mediation. The problem is the space to hold it. The law library has perfect space for mediation with a conference room on each side and a large conference room to meet in jointly. If we are going to go into a mediation program, we do not have another place to put it. Altman asked if that could remain in a common area with other facilities, if we use it with planning in that area, what will be our cost to retrofit, which is our main concern which is the cost associated for construction for temporary use. Judge Hughes stated it probably could be scheduled. Those conference rooms are used for other reasons. We would not keep it from being used by other spaces. If you put human resources in there with locked files, then we can't use it. Altman stated she understands that. Judge Hughes asked the commissioners to consider, if you are moving human resources to this building for security, remember the unhappy people that she is dealing with do not go through security. Every employee goes around security and that is who human resources is dealing with. As you are looking at her security concerns, they are not addressed if they are they by the metal detector at the front door. Altman stated you are right, it is where she is at now that is a problem.

[#1325] Holt stated our matter of urgency is to figure out where to locate the planning department so we can get the prosecutor the space she needs. If we could go in to the law library in the south half, could we move Sheena another day? Altman stated she would like to take care of the issue and be done with all of these issues. We will not serve anything doing it piece meal. Ms. Mills stated that she wants it known that there is a security problem with human resources. It is not her decision to make. Judge Hughes stated security is a valued concern, the kind of security we have is taking care of strangers coming in to the building. If there are other security concerns from unhappy people we need to address those and simply by moving Sheena does not get it done. Where we move her may make it worse. Altman asked the Judges to look at the commissioners needs, look at your needs and give us a build out if you are anticipating another hearing room so we can program it in. Holt stated from day one we knew the spaces between the courtrooms would be used for future expansion of courtrooms. Holt stated that space for 14 years has been designated as judicial space. Judge Nation and he talked three years ago about approaching the council for build out for his space and Judge Barr's space. When you are in there for a trial, it does not feel judicial. The litigants and citizens in Hamilton County expect a certain decorum when you walk in to a room. It creates respect for the bench, respect for the law and respect for the process. Holt stated we need to build those rooms out, trim them out so it matches the moldings in the rest of the building. We were sidelined on finances. Holt stated his point to Altman is don't tell the Judges what the build out of their space needs is, that is our job with their input. We have done it already. We have attempted to bring it to completion and we hit the financial wall, which we all understand. Altman stated it is not just financial. We are talking about expansion of county government beyond what was ever programmed because of population demands in the county. Judge Hughes stated that is not true, this building was planned for us to go to 10 courts. Altman stated she understands, but what are we going to do with the rest of county government? Judge Hughes stated he does not know, but what Holt is saying is that you want us to go back and redesign where you want us to go and we have already spent 10-14 hours a week for four months to help design this building. We have already told you what we think we need for the build out plan for this building, which was for 20 years. I don't know what more you want us to do. Altman stated her vision for this building is judicial but until we have more space, we will have to temporarily use this building, these two floors for other uses. That is why she is asking for the Judges input on that time frame what would be best. Judge Hughes stated we don't know what you mean by temporary, we don't know what your plan is and we can't do that planning. We don't have any understanding of whether the west tower is going to happen, if it is going to happen or when it is going to happen. He knows how long it took to go from the historic courthouse to this building and the space needs at that time were much larger. It was 28 year from the time they first started talking about expanding to moving in to this building. Is that what we mean or do we mean we are really going to build something in 5-10 years? If you want to take the northwest corner for one year, fine because we will not use it in one year. If it is going to be two years we would be concerned, if it was five we would be more concerned, if longer than five years we would be worried because we would not have a place for a judge to have a courtroom. We are not trying to be difficult, we are trying to help. Altman stated we are not trying to be difficult, the commissioners do not control the purse strings. The commissioners are committing to the judges that we are willing to sit down and work out a plan for the next 5-7 years where we can start with council, get a consensus to get it going because we are going to need it. Right now we are at an impasse with a lot of space in the judicial center, with departments screaming for space and she does not have a good answer to tell anybody until we start working together to figure out a long term plan.

[#1744] Judge Hughes asked about the Step 5 proposal (ISSD reception area) is to leave intact the spaces that are there but simply to open an electronic door from the lobby that we now use for access to our courtroom and ISS. There would be two receptionists stations opening in to the same lobby? Mr. Dawson stated yes. Judge Hughes asked if this is to make a new receptionist station or to use the current receptionist station? Mr. Dawson stated the plan developed for that space was to not

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physically put another reception area in that lobby, it is to cut a hole, put a window in the wall and have them physically stay in the space they are currently in, but to be able to access their office coming in that same door and going to the right and going to their office once a receptionist inside their existing space pushes a button and opens a door and shutting off access to their space from their current door that they use to enter and exit. There is no encroachment on that lobby other than putting a window in. Judge Hughes stated that means a whole lot more traffic in and out in our lobby, as long as that does not create traffic flow issues, he has no objection to that. Judge Hughes stated he does not object to Step 5.

Holt asked if the mediation program needs to be in this building? Judge Hughes stated for supervision. Holt asked if the Sheriff's presence or the court should be on call? Judge Hughes stated we don't think we will need the Sheriff's presence, we only have \$20,000 a year to fund it so we will need to use existing court personnel to direct people where to go and to schedule it. Judge Hughes stated his concern is to not give up space if there was other alternative space. Altman asked if it is possible to use the small hearing rooms for mediation and use the small conference rooms on the side? Judge Hughes stated on the 2nd floor we do not have as many consultation rooms, four courts operating full time there are only six consultation rooms. In general the hearing rooms could be used for the mediation meetings. Access may be a problem because you access through secured areas, we would have to figure out how to do that. He would be very jealous of giving up the consultation rooms because they are used constantly. Altman stated she is committed to do this right and go forward with a plan that starts next door. Judge Hughes stated our hearing rooms were designed at a time when things were done differently, when special judges came here. That changed about eight years ago and now special judges do not go between counties so we don't have to provide a special judge with a courtroom, other than occasionally. Altman asked how often is the jury orientation room used? Judge Hughes stated on Mondays, Tuesdays and Thursdays it is utilized for juries. LCC meets here, the meeting of the judiciary meets here, probation uses it for a training room. Drug and alcohol training is held here. It is used a lot after hours. Altman stated the commissioners have not reached consensus on any of these steps, other than something needs to be done with ISS and we have the space needs we have outlined. That is why we wanted to have your input on what are space needs are, what we thought would be available and if you have a better idea, let us know. Altman stated she does not see any way that we won't have to encroach, somewhere on the 2nd or 3rd floor, temporarily. If we go about it the right way, we can make it a positive thing in getting the wing started next door. [#2276] Holt stated all of us knew we had outgrown the 1879 courthouse years ago. Lots of ideas were floated on how to remedy that problem, any of those ideas if we had gone ahead with them, we would have had to build something else before now. The taxpayers got a bang for their buck. The result is this wonderful facility. Think if we would have had the city building, the library and the county all in this building, all three would have gone somewhere else. You can make an argument that it is great to talk about the west tower, but the longer we wait to do it the more we will be inclined to do it right to get us in to a build out in Hamilton County. If you think of the City-County building downtown, that has been there for 50 years, what foresight of somebody who planned wisely. If we rush in to the west tower, looking at tight finances, we won't build it right. In ten years where would we go? Altman stated if we start now, it would not be done in five years. Holt stated she is missing his point, maybe it should not be done in five years. Judge Hughes stated one of the things that happened the last time the county expanded was that it was done right and he would encourage the commissioners to do it the same way this time. Before plans were drawn and before steps were taken and commitments were made we all sat down and were invited to have our input. Everybody knew what was going on, there were no surprises. Nobody got everything they wanted, overall we were all very happy and the transition was easy. Thank you for asking for our input and thank you for not making us answer today because we have another member of the judiciary that could not be here and we would like her input. When do you need a decision? Holt stated we need to get the construction going for the prosecutor's office. Altman asked Holt if he is advocating we don't do anything? Holt stated no, he is not advocating we rush in to a west tower. Altman stated five years is not a rush. Holt stated we know this county is going to approach a build out. There will be a lot more people that require the services of this building and the building across the street.

[#2657] Holt asked if it makes sense for the commissioners to investigate alternative solutions for the law library or would the judges prefer to investigate alternative solutions? Altman would rather have the judges talk, decide what is available, what their needs are and let us know. Judge Hughes stated you will find it an easier transition with the Bar if the six judges lead the way in moving the law library. We would not presume to tell you that you have to use that space, because we do not have the authority to do that. It may be necessary that we have the consensus of the commissioners and council to do that. Consensus of Altman and Holt was to let the judges investigate moving the law library. Altman asked Mr. Dawson to get the judges copies of the plans, current as built, all three levels. Judge Nation stated it is important to me that if he says to take his hearing room, is it a 5 year plan, 10 year plan or 15 year plan? He does not know, it would be the worst decision he would make for that court and the rest of the judges if he would say to do it and then in 15 years we have no room. Judge Hughes stated we are in a situation that within the next two years of having a need for using that space as frequently as we currently use the space next to Judge Pylitt's office. That is assuming we get a court and it would probably be two years we would need a place to move them in.. Altman stated that is why she does not want to go through this exercise with council and start programming that wing. She can not give an answer unless simultaneously we work with council to begin a plan. Judge Hughes stated that is the problem, you are asking us to give up space that we currently have in our control for temporary usage and you are asking us to go through the same process that has taken us a number of years to get a juvenile detention center. That is what we are concerned about, you are asking us to give up a lot. Altman asked what is the alternative? Judge Hughes stated not give it up, go lease space. Altman asked if that is what you think is the most prudent? Judge Hughes stated he did not say that, there are other alternatives besides coming to the courts and saying you want space. Ms. Pearce stated what if we get a new court in the next two years? The only place fitted for a full court is next door, which would mean the Commissioner for Superior 1 and circuit court would have to move. The most logical space would be the space designed to be a commissioner's courtroom would be next to Superior 1. Altman stated she understands, she does not know what else to say. If your position is for us to go lease space, that is your position. Personally she does not think that is the right one. Holt stated that is not their job to take that position. Judge Hughes stated we already have the council, commissioners, six judges, the Bar Association and everybody else to put in writing that we need another court. What Polly is telling you is that unless you want to move \$250,000 worth of video arraignment equipment, the only courtroom that we have to put a new court is Courtroom 6. Altman stated she understands that. Judge Hughes stated then we will have a full time judicial officer who will be in that courtroom every day. There is no staff space available outside the hearing rooms. That is what we are concerned about. Polly's point is that if we have a new court within 2 years and we have to put that court here, then the most logical place is where you want to put the planning department. Altman stated these are conceptual ideas that we have come to you for your advise. Judge Hughes asked if you have a suggestion where we should put the new Judge? Altman stated the commitment to the council is that when we get a new judge he/she would be serviced by existing staff. Whether that is going to work or not, that was the commitment. Judge Hughes asked what are we going to do with the current commissioner when the new judge

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gets here. Altman stated she understands his concerns. Judge Hughes stated he wants Altman’s input where we should put Todd Reutz or the person in his position? Do you have a proposal? Altman stated not at this time.  
Meeting adjourned.

**Present**  
Christine Altman, Commissioner  
Steven A. Holt, Commissioner  
Steven R. Nation, Judge Superior Court 1  
Bernard Pylitt, Judge Superior Court 2  
William Hughes, Judge Superior Court 3  
J. Richard Campbell, Judge Superior Court 4  
Wayne Sturtevant, Judge Superior Court 5  
Polly Pearce, Court Administration  
Fred Swift, Administrative Assistant to the Commissioners  
Robin M. Mills, Auditor  
Kim Rauch, Administrative Assistant to the Auditor  
Elizabeth Granger, Noblesville Daily Times

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ATTEST:

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Robin M. Mills, Auditor